



# PLACER COUNTY PLANNING DEPARTMENT

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RECEIVED  
FEB 27 2012  
CDRA  
3/22/12

## PLANNING APPEALS

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

-----OFFICE USE ONLY-----  
Last Day to Appeal 2/27/12 (5 pm) Appeal Fee \$ 520  
Letter \_\_\_\_\_ Date Appeal Filed 2-27-12  
Oral Testimony \_\_\_\_\_ Receipt # 12-0079893  
Zoning RF-B-X 2.5ac.min. PP=6.4 Received by S  
Maps: 7-full size and 1 reduced for Planning Commission items Geographic Area \_\_\_\_\_

### -----TO BE COMPLETED BY THE APPLICANT-----

- Project name Lucky's Travel Plaza
- Appellant(s) Friendly the North Fork Telephone Number 916 727-1727 Fax Number \_\_\_\_\_  
Address 7143 Gardenvine Ave City Citrus Heights State CA Zip Code 95621
- Assessor's Parcel Number(s): 066-70-045-00 U
- Application being appealed (check all those that apply):  

<input type="checkbox"/> Administrative Approval (AA-____)	<input type="checkbox"/> Tentative Map (SUB-____)
<input type="checkbox"/> Use Permit (CUP/MUP-____)	<input checked="" type="checkbox"/> Variance (VAA- <u>20110304</u> )
<input type="checkbox"/> Parcel Map (P-____)	<input type="checkbox"/> Design Review (DSA-____)
<input type="checkbox"/> General Plan Amendment (GPA-____)	<input type="checkbox"/> Rezoning (REA-____)
<input type="checkbox"/> Specific Plan (SPA-____)	<input type="checkbox"/> Rafting Permit (RPA-____)
<input type="checkbox"/> Planning Director Interpretation _____ (date)	<input type="checkbox"/> Env. Review (EIAQ-____)
<input type="checkbox"/> Minor Boundary Line Adj. (MBR-____)	<input type="checkbox"/> Other: _____
- Whose decision is being appealed: Zoning Administrator
- Appeal to be heard by: Michael Johnson (see reverse)
- Reason for appeal (attach additional sheet if necessary and be specific):  
See attached letter.

(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s)

Mike Glee, President  
Friendly the North Fork

FRIENDS OF THE NORTH FORK  
7143 Gardenvine Avenue.  
Citrus Heights, California 95621

RECEIVED  
FEB 27 2012  
CDRA

February 27, 2012

Michael J. Johnson, Planning Director  
Planning Services  
Community Development Resources Agency  
3091 County Center Drive  
Auburn, California 95603

Re: Lucky's Travel Plaza  
Freestanding Sign Height Variance (PVAA 20110304),  
Development Review Committee 2/20/21 recommendations  
Design Review Type D (20110303),  
Pending and recent permits (Sign, etc.)  
and Related CEQA Categorical Exemptions.  
Appeal (County Code 17.60.110)

Dear Agency and Planning Director Johnson,

By this appeal Friends of the North Fork ("Friends") brings under review the above actions and the individual project and cumulating detrimental zoning and environmental impacts of service station competition for customers along high country Sierra Nevada Interstate 80.

Interstate 80 from Auburn to Donner Summit is a scenic gem and the gateway to the remote and magnificent North Fork American River. The Soda Springs Road is the only road after Iowa Hill Road (out of Colfax) that crosses the river. Many trailheads and scenic overlooks are accessed off of I-80. The history and pre-history and future of California and the canyon are writ large along the interstate.

Friends board members value the services of these gas stations. I have memories stretching from being a teen and catching naps while a mechanic worked all night to repair a radiator in the Nyack Road garage after we hit a snowbank, to a couple of years ago being unable to properly secure a tire chain at Kingvale Shell that was out of tire chain rubber adjusters, but meanwhile chain control ended. They are needed oases for many people one time or another.

But there is a need for local government attention to leveling the playing field when government authority to vary from zoning is sought. Done enough, the exception becomes the rule. For example, one of our board members long ago successfully urged Colfax not to allow a McDonalds sign variance.

Our field check of I-80 from Highway 20 to Soda Springs Exit finds that the Valero sign variance is a major and critical escalation of sign, customer and price competition between Valero (at Cisco), Shell (at Kingvale) and others:

- For (1) higher, (2) bigger, (3) closer to highway, and (4) brighter, more well-lit signs.
- For new diesel customers. The Valero has proposed the first diesel service. There is none now at the Kingvale Shell or Cisco Valero, nor at the Nyack Shell that has a big truck parking area (Nyack Road is not part of the I-80 scenic eligible area)
- With a truck stop. Valero could therefore become the first truck stop in the high elevations. Shell at Kingvale or Nyack might want to follow suit.
- For westbound customers. As we understand the variance, the Valero sign could potentially be the first high elevation gas sign visible westbound, so the Kingvale Shell with its highly visible eastbound sign would likely also want to raise it above the treetops for westbound traffic as apparently permitted in the variance.
- For gas prices. Valero proposes to install the first day and night highway large numeral LED gas prices. It is unthinkable that this historic route could become decline into being a day and night venue for gas price wars. Drivers can pull off at the exit and see posted prices.
- For multiple large signs for different roadside services that are offered. The Valero sign could promote gas, diesel, food, a restaurant and more. As far as we know, it was only at the hearing that the variance applicant announced plans to refurbish and reopen the restaurant. At the hearing the applicant said there are two signs on the property to be replaced by one, but there is a third large "Cisco Food" sign on the outside wall of a building facing the highway. An old sign on the top of a pole has fallen apart and is unreadable, and is apparently the second sign referred to.
- Possibly ushering in the use of digital including message sentences
- The reconstructed gasoline canopy and diesel canopy and diesel tank wall may have sign wording.

County actions must explicitly address these issues so that commercial competition does not diminish or over-commodify this corridor. Unfortunately, this is what the variance, the other permits, the limited design review, and the failure to use CEQA do.

Suitable Design Review for this corridor does not allow highly lit plazas with unshielded lighting serving as advertisements for themselves for which no sign is needed. Neither this area-filling light, nor signs of the nature permitted by the variance, are appropriate for remote Highway 50 roadside services.

## General Plan

The County General Plan (1994) requires maximum protection of this scenic corridor, trail corridor, and stream corridor.

Policy 6.E.2. The County shall require that new development be designed and constructed to preserve the following types of areas and features as open space to the maximum extent feasible:

- a. High erosion hazard areas;
- b. Scenic and trail corridors;
- c. Streams, streamside vegetation;
- d. Wetlands;
- e. Other significant stands of vegetation;
- f. Wildlife corridors; and
- g. Any areas of special ecological significance

The County's Vance Kimbral provided the attached map in 2009, "Placer County – Overland Emigrant Trail Study Map" that shows that the site of the proposed variance is on the route of the best estimate of the Overland Emigrant Trail route. The map also shows that the variance site is, at its nearest point, about a quarter-mile below the first transcontinental railroad route. The map assists in implementation of Cultural Resources protection required by the General Plan:

### **CULTURAL RESOURCES**

**Goal 5.D:** To identify, protect, and enhance Placer County's important historical, archaeological, paleontological, and cultural sites and their contributing environment.

#### **Policies**

5.D.1. The County shall assist the citizens of Placer County in becoming active guardians of their community's cultural resources.

5.D.6. The County shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, paleontological, and cultural sites and their contributing environment. Such assessments shall be incorporated into a Countywide cultural resource data base, to be maintained by the Department of Museums.

5.D.7. The County shall require that discretionary development projects are designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance, and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical, or paleontological consultants,

depending on the type of resource in question.

#### Scenic Highway Corridor Eligibility

This is part of the Interstate 80 corridor from Highway 20 to Highway 89 that is designated by the State of California as an Eligible State Scenic Highway. The variance contributes to diminishment of this corridor.

#### Long-term potential development of the corridor and DSPUD services

In approximately 1999, a joint meeting of the Placer and Nevada Counties Local Agency Formation Commissions (LAFCOs) confirmed that the ten or so miles of I-80 east of the Soda Springs Road is in the Sphere of Influence of the Donner Summit Public Utilities District. LAFCO decisions set in motion the provision of services that lead typically lead to development, though often decades in the future. In spite of the long term nature of the LAFCO decision and that there is little zoning allowing development in this area, for sale signs went up on properties along I-80 after the LAFCO decision was final. The gas stations are an early sign of development that may one day come to the corridor, and the variance exhibits laxity in this regard.

Friends is concerned that water quality problems with water supply and wastewater treatment along the corridor may lead to extension of water and sewer services long the corridor by DSPUD. The variance property is over two miles east of the west boundary of the DSPUD Sphere of Influence Designation. The occurrence of septic system failure such as has apparently occurred at least once on the variance property site contributes to our concern (Permit Identification 254952; Permit ON0004200).

#### Variance criteria and variance findings

There are no special circumstances applicable to the property depriving the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification, it is not consistent with the County General Plan, and it is far more than a minimum departure from the height and other requirements.

The Zoning Administrator did not make the necessary findings. Even if he adopted the Development Review Committee findings, those are insufficient for the same reason, but, regardless, the Administrator departed from the DRC recommendations and there is no finding explaining this departure.

Such findings as the Administrator made are conclusory and without explanation or comparison when it is required.

Absence of required findings does not sustain a variance, and findings without necessary analysis or support are absent and not based on substantial evidence.

Friends believes that photos in addition to documents will clarify and correct key representations about the site and the need for the signs made by the applicant.

### CEQA

The Categorical Exemption deprives you, the Development Review Committee and all other staff agencies, the Zoning Administrator, the County, and the public, information and analysis necessary to comment and to advise and for to make the variance decision.

The absence of a full CEQA project description hampers analysis, including both for a variance and for CEQA purposes.

The CEQA project is also piecemealed in such a manner that necessary review of its impacts is not possible.

Further, most of the exceptions to categorical exemptions apply to this variance and CEQA project. For example, CEQA Guidelines, 14 CCR 15300.2 removes from categorical exemptions cumulative impacts [15300.2(b)], significant effect on the environment due to unusual circumstances [15300.2(c)], and historical resources [15300.2(f)]. This letter outlines cumulative impacts from gas station competition on the corridor and historic resources and some of the unusual circumstances of this variance.

15302(c) has the guidelines exception for Designated Scenic Highways, but a highway being eligible for scenic designation, along with other factors, should create an exemption exception. Attaching a fence to a historic wall was found to be ineligible for categorical exemption. Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles (2008, 2d Dist.) 161 CalApp4th 1168, 74 CalRptr 3rd 665.

15300.2(a) removes from categorical exemptions particularly sensitive environments, and the variance area may be in one. See the online Donner Summit PUD Wastewater Facilities Plan (May, 2010), Specific Status Fauna Species, page 16-4.

The applicant's 9/9/11 Diesel AST Addition Variance Application document (two pages), Diesel AST Addition DSA Submittal (10 pages), and Winterization Plan (five pages), previous application prior to 9/9/11 and related documents, and our explanatory material are substantial evidence showing a reasonable possibility of adverse environmental impact sufficient to remove the project from the categorically exempt class. Fairbank v. City of Mill Valley (1999, CalApp1st 1243, 89 CalRptr2d 233).

Friends will provide explanatory materials within 30 days. 17.60.110 (C)(1).

Without this appeal, Friends believes that the effect of this variance and others like is that responsible gas station owners will either have to join in the escalating projects or else suffer business decline or failure.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Garabedian", with a stylized flourish at the end.

Michael Garabedian, President  
Friends of the North Fork  
Incorporated 2005  
916-719-7296

cc: Gary Heinz, Applicant

Encl: Placer County OET Map  
Cal Trans map, Placer County Eligible State Scenic Highways

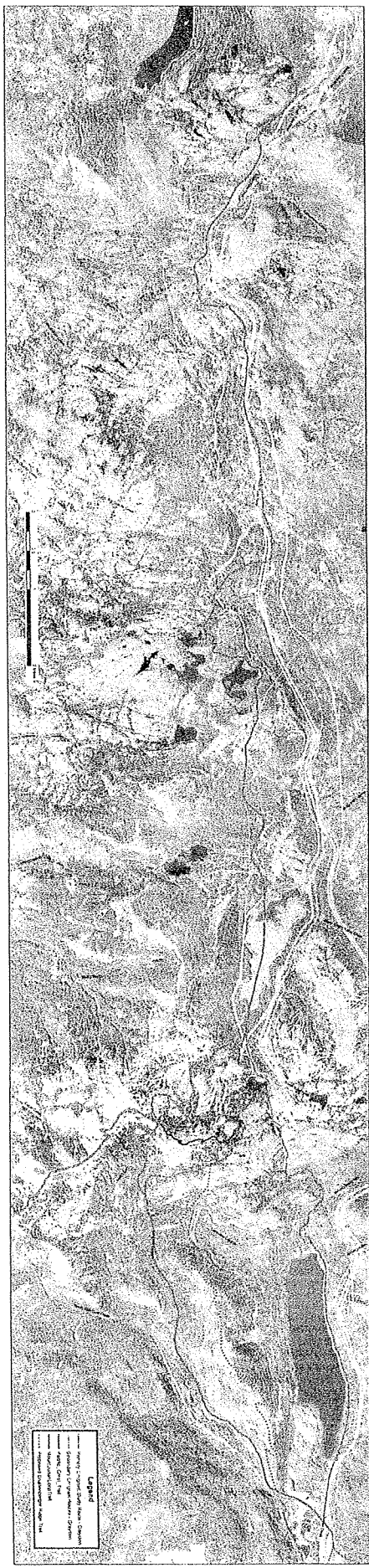
This is a detailed topographic map of the Klamath River region, showing the river's course from the Pacific Ocean to the Klamath Lake area. The map includes numerous place names, elevation contours, and a scale bar indicating distances in miles and kilometers.

**Geographic Features:**

- River:** The Klamath River is the central feature, flowing from the Pacific Ocean in the west towards the Klamath Lake area in the east.
- Coastline:** The map shows the rugged coastline of the Pacific Northwest, with numerous small islands and peninsulas.
- Place Names:** Numerous towns and cities are labeled, including Eureka, Klamath Falls, and various smaller communities along the river and coast.
- Elevation:** Contour lines are drawn across the map to indicate elevation, with labels such as 1000, 2000, and 3000 feet.
- Scale:** A scale bar at the bottom indicates distances in miles (0 to 10) and kilometers (0 to 16).

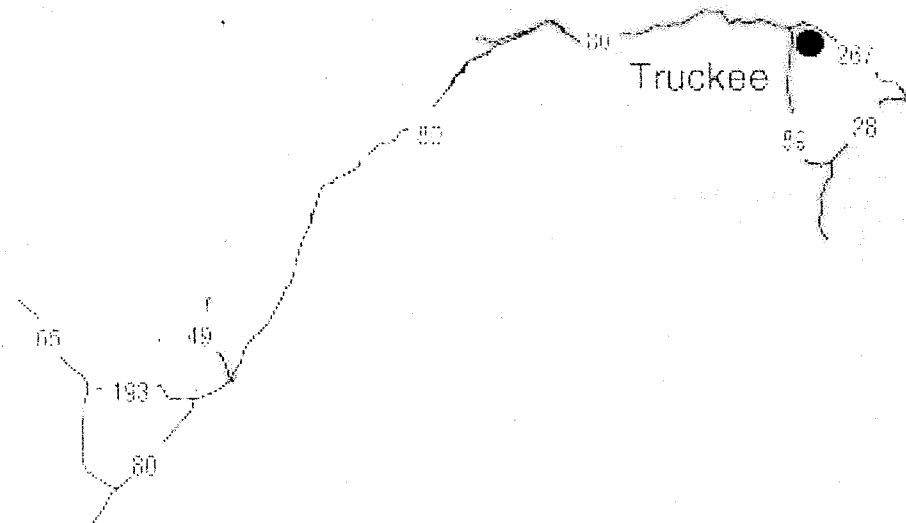
**Map Details:**

- The map is oriented with North at the top.
- It shows a dense network of roads and trails, particularly in the inland areas.
- The coastline is highly irregular, reflecting the complex geology of the region.
- Various geographical features like mountains, valleys, and lakes are clearly delineated.





# Placer County



**Although there are Eligible State Scenic Highways,  
there are none Officially Designated at this time.**

## Legend



U.S.



Interstate



State

CR

County Road

——— Officially Designated State Scenic Highways

——— Officially Designated County Scenic Highways

==★== Officially Designated State Scenic Highway and National Scenic Byway

==★== Officially Designated State Scenic Highway and All American Road

——— Eligible State Scenic Highways — Not Officially Designated

----- Unconstructed Street

===== Historic Parkway

——— Connecting Federal

==★== Connecting Federal

——— State Highway System

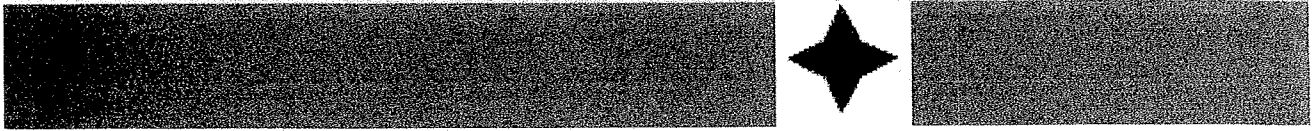
## Relevant Links:

[Map of California](#)

[Caltrans Home Page](#)

[Landscape Architecture Program](#)

[Division of Tourism](#)



Any questions, comments, or suggestions can be emailed to Dennis Cadd at  
[dennis\\_cadd@dot.ca.gov](mailto:dennis_cadd@dot.ca.gov)

MAR 28 2012

In the Matter the Appeal by Friends of the North Fork )  
 To the Placer County Planning Commission of )  
 Lucky's Travel Plaza Freestanding Cisco Road )  
 Valero Sign Height Variance, CEQA Categorical )  
 Exemption and Development Review Committee )  
 report (PVAA 20110304), and Design Review Type D )  
and Categorical Exemption (20110303, 2010034) )

EXPLANATORY  
 MATERIALS  
 County Code  
 17.60110 (C)(1)

CDRA

March 27, 2012

Friends of the North Fork ("Friends") submits this Cisco Road Valero sign variance appeal explanatory document. It is also a framework for local government and the community to identify, evaluate, and consider the factors for acting on the variance, including its environmental context.

### 1. The 5,680 foot elevation property

The project is on a nine acre area on the west side of Cisco Road on and at the head of the I-80 Cisco Road offramp. It is part of 93.5 acre parcel APN 066-070-045-000 (APN "045"). This parcel extends west along I-80 from Cisco Road for 1,829 feet, and it extends east along I-80 from Cisco Road for 1,546 feet.

Five acre parcel APN 066-070-044 (APN "044") that is across Cisco Road from the APN "045" nine acre project area property is on the east side of Cisco Road. This property was mis-identified on the Parcel Review agenda as the APN for the project property. The mis-identification is understandable because when you click on the "045" area, the APN for "044" has been the only parcel highlighted for the property on the county's online parcel map system. At the time of the hearing appealed from, Friends was unable to determine on the county's online system that APN "045" is the project parcel number. The Zoning Administrator indicated at the hearing that this had been a problem at a previous hearing on the project and that a fix had been requested. It is still not possible to learn the APN number of the 93.5 acre parcel using the online county system.

### 2. 1994 minor division.

The five acre parcel was carved out of a 100-acre parcel creating today's two parcels by 1994 parcel map No. 75462 that had a CEQA exemption. The 100 acre parcel was previous APN 066-070-032-000.

### 3. The project

Proposed actions on the property ("Project") appear to involve:

- Installing a 12,000 gallon diesel tank with a protective covering and concrete walls, one wall that faces I-80, requiring Design Review.
- A diesel fueling island and canopy separate from the existing gasoline pump island.

cc: Paul Thompson - PLN  
 George Rosasco - PLN  
 Sharon Boswell - ESD  
 Rebecca Taber - ESD  
 Karin Schwab - CC  
 EH / APCD

- Reopening the closed restaurant that is in a separate building.
- Removing the pole sign that is in use and a second pole sign that is not functional because it is missing its readable surfaces.
- Installing a new 12 by 8 foot pole sign about 70 feet from the Cisco Road off ramp state property.

Current action:

- The site has an operating gasoline service station with food, tire chain and other sales items.
- The site appears to have an inn
- The site has a wall sign on the inn building that reads "Cisco Food."
- The site has a county CUP permitted Teichert materials facility that will apparently be closing.

#### 4. Ownership

The 93.5 acre parcel APN 066-070-045-000 has been owned since November 1, 2006, the release date on file with the Assessor's Office, by RBS Holdings, LLC, the project applicant. RBS Holdings LLC was created by a March 29, 2006 filing with the California Secretary of State. Raj Brar has signed application as the owner and Managing Partner of RBS Holdings, LLC.

The 5 acre parcel APN 066-070-044-000 has been owned beginning March 31, 2005 by Raj S. and Kamaljit K. Brar. There is a 2010 release for this property noted in the Assessor's records, but whatever it is does not appear to have changed ownership. There was a period of 2005 where Raj S. Brar appears to have been to sole owner of the property.

#### 5. Placer County General Plan

The August 16, 1994, Placer County General Plan designates the nine acre parcel as Tourist/Resort Commercial/8,000-20,000 square feet.

The triangle area of "045" to the west of the nine-acre area that is along the I-80 Cisco Road off ramp is designated Agricultural/Timberland 40 ac. Min. in the General Plan.

We do not know if the new sign location is in the Tourist/Commercial or the Agricultural/Timber area where it is not permitted or compatible.

The remainder of parcel "045" and all of "044" are designated Rural Residential 1-10 ac. Min. in the General Plan.

#### 6. Zoning District designations

The nine acre project area is zoned HS-Ds, Highway Services-Design Sierra. The triangle to the west of the nine acre parcel is zoned RF-B-X 40 AC. MIN.

The variance should be considered and acted on in a manner that is consistent with current zoning and that does not pave the way or lead to any use not permitted by zoning now or in the future.

We do not know if the proposed new sign location is in the 93.5 acre parcel's nine acre HS-Ds zone or if it is in the RF-B-X 40 ac. MIN. zone where it would not be a permitted use and where it should not be permitted by variance to be located.

The rest of the property including the five acre parcel is zoned RF.B.X a.5 AC. MIN. PD=0.4.

#### 7. Zoning Design Sierra Combining District

The project nine-acre area Ds designation by the County is the essential valuable recognition required for this property. Portions of the zoning code provide as follows.

#### **17.52.070 Design review (-Dc, -Dh, -Ds).**

A. Purpose and Intent. The purpose of the design review (-Dc, -Dh, -Ds) combining districts is to provide special regulations to protect and enhance the aesthetic character of lands and buildings within public view; to protect historic buildings; to minimize any adverse impacts of conflicting land uses; to enhance tourism through the protection of lands and buildings having unique aesthetic characteristics; and to provide special project review procedures for lands and uses which by their nature require special attention to landscaping, circulation, and/or energy conservation.

B. ...

1. Design Scenic Corridor or Sierra (-Dc, -Ds). The Dc or Ds designations shall be applied only to:

a. Areas of special natural beauty and aesthetic interest that constitute a basic resource in

the county economy, the preservation of which in its most nearly natural state would enhance tourism; or

b. Areas, places, sites, structures or uses where application of the design review combining district will serve to carry out the other purposes stated in subsection A of this section.

...  
D. Procedure for Design Review Approval. The authority to grant or deny design review approval pursuant to this section is assigned to the planning director. Applications for development projects within the design review combining district shall be processed according to the provisions of this section  
...

3. Issues to be Considered. Design review by the committee and the planning director shall include, but not be limited to, review of proposed building arrangements, setbacks, walls and fences, building exterior appearance, off-street parking, grading, drainage, circulation (including pedestrian and bicycle circulation), landscaping, lighting, and signs, unless the planning director determines that any such items are unnecessary in any specific case.  
(Emphasis added)

The County entered into a Design/Site Review Agreement dated September 9, 2011, for the diesel dispenser canopy and concrete enclosure, a new vehicle pumping station and relocation of the freestanding sign. The agreement is signed by representatives of County Planning, Engineers and Surveying and Environmental Health and the applicant.

Item H of the agreement, titled Signs, states that, "Changes to the existing pole sign will be addressed in a subsequent Variance request for additional sign height, and a new Sign Permit to allow for the design," and "No changes to the sign are approved with this Agreement."

The applicant in has asked in a new September 29, 2011 application that includes a "change from the previous application" (New Application page 3)

regarding the sign. The new application describes,

...a new pole mounted, LED lighted, monument logo and pricing sign ... proposed to be installed in the bottom portion of the property so as to be visible from the highway with sufficient height and size to allow motorists enough time to view the sign and decide whether they wish to exit at the off ramp necessary to reach the facility. The existing signage cannot be seen from Interstate 80 until it is already too late to decide to make a safe exit transition. The pricing signs cannot be safely read from the interstate at all. (New application page 3.)

The applicant's various requests to change the sign and other parts of the September 6, 2011 agreement allow planning to modify or revoke it the agreement:

F. Design Review Modification or Revocation.  
An approved design review may be modified or revoked by the planning director if:

...

4. The applicant requests modification of a design review approval. Such a request shall be processed as a new application for design review approval pursuant to this section. (Ord. 5126-B (part), 2001)

Friends recommends that the September 6, 2011, agreement be modified after the public has had an opportunity to comment.

#### 8. Zoning Sign Ordinance

Planning indicates that no Sign Permit Application has been submitted for the project. Friends has submitted a request to the county that will result in our notification when this application is made.

The zoning sign provisions provide authority in addition to the independent Design Sierra sign authority. This is the first part of the ordinance:

#### **17.54.170 Signs.**

The requirements of this section, together with Sections 17.54.180 through 17.54.200, apply to all

signs constructed or altered after the effective date of this chapter, except as otherwise provided by this section, and are in addition to all applicable provisions of the California Outdoor Advertising Act (Business and Professions Code Sections 5200 et seq.). These sections shall be known and may be cited as the Placer County sign ordinance. No sign shall be placed within the unincorporated areas of Placer County except in compliance with the provisions of this chapter, and no sign shall be placed within a public right-of-way or easement without written permission from the Placer County department of public works. The provisions of Appendix "E" (Tahoe City/North Tahoe/West Shore Sign Ordinance) shall apply within the boundaries of the area designated on the exhibit map within that ordinance and shall prevail in the event of a conflict between those provisions and Sections 17.54.180 through 17.54.200.

A. Purpose. These sign regulations are intended to promote the attractive appearance of the county by regulating the design, character, location, type, quality of materials, scale, color, illumination, and maintenance of signs; to promote commerce and create a more attractive economic and business climate; to promote the use of signs that identify land uses and sites without confusion or creating distractions that may cause traffic or safety hazards; and to implement applicable provisions of the Placer County design guidelines manual and the general and community plans. A sign permit is not required where the sign is legally in existence and the applicant proposes to change only the advertising copy on the sign; however, the sign's new copy is subject to design review approval pursuant to the



provisions of Section 17.52.070 of this chapter.

B. Sign Permit Requirements. A sign permit shall be required for all on-premises signs (Section 17.54.180) larger than fifteen (15) square feet in area; and for all off-premises signs (except for real estate/subdivision advertising signs) (Section 17.54.190); and for all signs in combining -Dc, -Dh and -Ds zone districts. A building permit shall also be obtained for a sign, if required by Chapter 15 of this code (Construction Requirements).

1. Applications.

a. All Signs Requiring Permits. An application for a sign permit shall be filed with the planning department using the forms supplied by the department, together with all information and materials specified on the forms, and the filing fee required by the most current planning department fee schedule.

b. Multi-use Sites. An application for a sign permit on a site with three or more separate land uses or commercial or industrial tenants shall include an overall sign program for all uses on the site. The sign program shall provide for the use of a consistent sign design style, and the same or complementary type of materials, colors, and illumination in all signs on the site. The sign program shall either be submitted for county approval as part of the discretionary land use permit application for the overall site development, or separately as a design site review application.

Friends notes that the variance proposal is the appropriate opportunity for the County and the public to address the criteria for signs pursuant to the variance as well as in anticipation of any sign application.

## 9. Zoning variance

The zoning code spells out the findings must be made in order to approve a variance.

### 17.60.100 Variance.

A variance from the strict application of the requirements of this chapter may be requested and granted as provided by this section.

...

D. Action on a Variance. The zoning administrator or planning commission shall approve, approve subject to conditions, or disapprove a variance as set forth in this subsection.

1. Findings. Approval or conditional approval may be granted only when the granting authority first determines that the variance satisfies the criteria set forth in California Government Code Section 65906 by finding that:

a. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, and because of such circumstances, the strict application of this chapter would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

b. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.

c. The variance does not authorize a use that is not otherwise allowed in the zoning district.

d. The granting of the variance does not, under the circumstances and conditions applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.

e. The variance is consistent with the Placer County general plan and any applicable community plan or specific plan.

f. The variance is the minimum departure from the requirements of this ordinance necessary to grant relief to the applicant, consistent with subsections a. and b., above.

2. Conditions of Approval. In approving a variance, conditions shall be adopted by the zoning administrator or planning commission as necessary to enable making the findings described in subsection (D)(1) of this section.

Failure to prove any of the matters required by zoning ordinance must result in denial of a variance request. Minny v. Azuza (1958) 164 CalApp2d 12. The facts essential to making the findings must be

determined. Broadway, Laguna, Vallejo Association v. Board of Permit Appeals (1967) 66 Cal2d 767.

Variances for undue hardship may only be grounded in conditions peculiar to the particular property. Minny v. Azuza (1958) 164 CalApp2d 12.

10. Need for a factual basis in order to determine the appropriateness of a variance.

One of the most troubling aspects of the Zoning Administrator's actions is that neither the administrator nor the public have a visual graphic or prepared photo showing the sign pole placement and where the top of the sign would be, and information like this is not in project files. In other words, there is no physical or other kind of information about what visual impact changing the location and height of the sign would have.

Each step moving the existing sign closer to the road would increase its visual impact.

Moving the sign down into the lower elevation below the top of the slope that the rest of the Project sits on will increase its visual impact by putting it closer to the line of sight from the highway.

Putting a 12 by 8 foot sign on the pole with the top of the sign at the maximum sign height would greatly increase visual impact.

The applicant or County need to present the mechanics and visual results of changing sign location, height, size, content and lighting and alternatives.

Friends opposes any change in sign location unless acceptable visual analysis that looks at alternative sign locations alleviates our concerns.

11. Setting: The variance requires us to assess our familiarity and personal relationships with I-80.

I have driven back and forth across the continent for at least a dozen round trips from north to south and once in Canada. Only a handful of interstate highways can be compared to the magnificence of I-80 over Donner Summit. Among them are I-70 through the San Rafael swell in Utah and Interstate 50 to Echo Summit. Places on the Alaska Highway and the Highway to the Sun in Glacier National Park certainly rival it as do another Sierra Nevada passes such as Tioga Pass.

I believe that those of us who drive it frequently do not tire of the stunning beauty and the dramatic changes to be seen depending on changes in sunlight, clouds and snow depth.

It is not just another highway. The variance request requires that the County and all of us make an effort on the variance that is equal to the road. We will be affecting it for generation to come.

Whatever the outcome, we will see and live with the results.

## 12. River Corridor

This I-80 corridor has an intricate relationship with the South Yuba River. On the Cisco Grove USGS 7.5 Minute quad map alone, the river runs between the split east and west bound I-80 segments in two places for about 1 ½ miles and runs right along side I-80 for about two miles. The river is just to the north side of the highway at the Cisco Road exit. The variance consideration must give attention and consideration to the river's fish and other wildlife and its biology, water quality and other physical characteristics.

The river corridor also is a recreation magnet. The river itself is a massive draw to travelers on I-80 who see the river and exit the highway in large numbers to go to its banks whether it is roaring in Spring or later in the season. The corridor has private facilities and at Hampshire Rocks and Big Bend Forest Service campgrounds as well as Kidd Lake right off the corridor. Trailheads dot the corridor such as into the North Fork American canyon on the Palisades and Little Granite trails. Tahoe National Forest lands are found in alternating sections on both sides of the corridor.

## 13. Climate Change

As the climate changes, transects show that wildlife is gradually moving to higher elevations in the Sierra Nevada than where they were 100 years ago. The Sierras are expected to have major reductions in its snowpack, perhaps 30 percent or more in coming years. The management and use of the lands in and around this corridor will become more critical in the future to water supply, wildlife and other ecosystem services.

## 14. Historic Corridor

Here is a rough sketch of the many travel routes that pass through, immediately by, or near by the nine acre Project property:

- Native American trails
- California Trail/Donner Party and other pioneer trails connecting to the Donner Pass route. A new museum is in the area and the Bureau of Land Management is about to open a California Trail center in Nevada.
- Dutch Flat-Donner Lake Wagon Road that later became a county road
- Transcontinental railroad
- Lincoln Highway

- 1921 Victory highway
- 1926 Old Highway 40
- I-80 built for the 1960 Olympics

Innumerable historic settlements, structures, and places of important events and engineering accomplishment exist along and near the corridor, in addition to the many natural wonders.

The options for historic and related designations need to be outlined as part of consideration of the variance consideration.

#### 15. Use of the highway

A high volume of traffic traverses I-80 over the summit for skiing, access to Lake Tahoe, gambling, freight and so on. In modern times, highway traffic passing through is likely the major manner in which most people experience the corridor. There is a legitimate need for highway commercial services, but it is a need that must be met in a manner that recognizes, maintains and protects the special nature of the area as well as the community of people who live and work there.

#### 16. Eligible State Scenic Highway Corridor

The state has determined that this is part of the I-80 corridor that is eligible for State Scenic Highway designation. The process starts with local government Visual Assessment (see the Caltrans publication, Scenic Highway Guidelines).

Friends believes that the variance appeal should be resolved in a manner both that prevents intrusion into the landscape by the project and that helps to prevent escalation of signing competition at Cisco Road and other high elevation gas stations. We want to keep the best possible option for State Scenic Highway designation open.

#### 17. Municipal Services

The greatest long-term potential threat to the corridor is the extension of municipal sewer or water service along the corridor. We urge local districts, especially the Donner Summit Public Utility District, the two counties, the two County Local Agency Formation Commissions, and state, regional and national agencies to recognize that municipal services should not be extended along the corridor. Variance and other County decisions should be managed in a manner that does not contribute to creating demand for these services.

18. Cisco, Kingvale and Nyack I-80 exit gas stations; diesel

An evaluation of the sign approval practices at on these properties is necessary. We, note, for instance, that a variance appears to have been issues for the Burger King sign at Nyack.

Friends appeal letter mistakenly suggested that this project could bring the first diesel resale to these three gas stations. We see that there apparently is a diesel card facility across Nyack Road from the Shell station. We did not see the facility when checking the Shell station pumps for diesel.

19. Adequacy of pre-exit Gas, Food and Lodging state signs on the highway right-of way

We are unaware that the Zoning Administrator considered whether blue highway signs with service facility logos for gas, food and lodging are adequate in general, at the Cisco road location, and in light of the special nature of the area. What is there now of this nature needs to be documented, policies affecting their location and use need to be determined, and studies about the efficacy of these signs needs to be reviewed and considered.

These signs are preferable to the approach of the variance.

20. Gas station price signs

Business and Professions Code section 13531(a) requires visibility from the street or highway adjacent to the gas station premises. In this case, Cisco Road is adjacent to the gas station, and it is from Cisco Rd. that gas pricing signs have to be visible, not I-80 as the applicant representative argues.

This is confirmed by the California Department of Food and Agriculture, Division of Measurement Standards, Petroleum Products/Weighmaster Enforcement Branch that describes this as the standard. The branch indicates that posting of price signs visible from a highway requires local government approval.

Further, looking at gas stations along I-80 from the highway demonstrates that posting gas prices is not the practice in nearly all instances.

**§ 13531. DISPLAY REQUIREMENTS: EXEMPTION OF  
SPECIFIED GEOGRAPHIC  
AREAS: VIOLATIONS: ENFORCEMENT**

(a) Every person offering for sale or selling any motor vehicle fuel to the public from any place of business shall display on the premises an advertising medium which complies with the requirements of this article and which

advertises the prices of the three major grades of motor vehicle fuel offered for sale. The advertising medium shall be clearly visible from the street or highway adjacent to the premises. When the place of business is situated at an intersection, the advertising medium shall be clearly visible from each street of the intersection. For the purposes of this subdivision, motor vehicle fuel does not include propane.

(b) The governing body of any city, county, or city and county may, by ordinance, exempt specified geographic areas from the provisions of this section if, pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7 of the Government Code, the areas are designated on the local general plan as scenic corridors or historic preservation areas.

(c)...

Friends is opposed to gas price signs visible or readable from I-80 or that are lit in a manner that makes the price posting lighting visible from the highway.

#### 21. Wall Sign

The permissibility of "Cisco Food" wall sign on the building needs to be checked. County Code section 17.54.180(A)(2) Wall Signs.

2. Wall Signs. Signs may be placed on each building frontage, below the roof line (See definition of "roof line" at Section 17.04.030). In buildings with multiple tenants (store fronts), each tenant space shall be considered a building frontage. Maximum aggregate sign area for all building signs shall not exceed one square foot for each linear foot of the width of the building frontage on which the sign is installed, up to a maximum area of one hundred (100) square feet, except that an additional 0.5 square feet of sign area may



be permitted for each linear foot of building frontage over one hundred (100) feet.

## 22. Two County Impact

The variance proposal itself and the variance implications for the corridor affect both Nevada and Placer Counties. We believe that this project should trigger the two-county planning provisions of state law.

## 23. CEQA

The information, analysis and consideration by the County and the public cannot be accomplished with a categorical exemption. CEQA is designed to deal with the multitude of environmental issues presented above, whether the piecemeal manner in which the County is handling the project, inadequate project definition, inadequate environmental baseline information related to the project, the need to identify project impacts, addressing corridor concerns including corridor impact identification, alternatives analysis, mitigation and monitoring requirements and monitoring needs and so on. Regardless, a categorical exemption is impermissible as a matter of law.

Where there is a reasonable possibility that a project will have a significant effect on the environment due to unusual circumstances, a categorical exemption is impermissible. This project meets both independent requirements of this rule, first that the project presents unusual circumstances, and, second, that there is a reasonable possibility of a significant environmental impact resulting from the unusual circumstances. Santa Monica Chamber of Commerce v. City of Santa Monica (2002) 101 CA4th 786, 800.

The design review exemption for the project with the canopy is based by the County on Class 3 new construction or conversion of small structures (September 29, 2010 Exemption Verification).

The September 9, 2011 sign variance Categorical Exemption is on the form based by the County on Class 3 and Class 11, accessory structures on-site signs. The February 16, 2012 staff report bases the exemption of Class 11(A) accessory structures.

The accessory and small structures including the sign are in a highly visible location. The addition of the diesel use is a change of use accompanied by construction that required Design Review. Both exemption form documents have checked that there, "Is a potential for increased traffic."

The sign is unusual in that it is not in an area crowded with signs or other accessory structures. It is the only functioning pole sign in the highway exit area and it's relocation could have substantial impacts described in this letter if moved

close to the highway and otherwise changed such as with a great increase in size.

The exemption fails in being unusual additionally because the sign impact will adversely effect the environment of persons in general due to the unusual circumstances. Association for Protection of Environmental Values v. City of Ukiah (1991) 2 CA4th 720, 731,

The exemption also fails because cumulative impacts of projects of the same type on the project property could be significant. Adding signs for diesel sale and accommodating semi trailer trucks, reopening the restaurant, the existing 24-hour operation, sale of tire chains, and lodging could be signage that is sought, and there is no sign application at this time.

These impacts also affect persons in General.

Class 3 and 11 exemptions do not apply if the projects are located in a unique sensitive environment. Our appeal letter identifies a sensitive environment in the project area and this letter does the same for the sensitive nature of the corridor scenically and historically.

#### 24. Related Considerations

Friends believes that variance is an opportunity to address the following issues in the variance and CEQA analysis:

- Fostering compatible I-80 corridor business and jobs,
- Oil companies as good neighbors to the corridor,
- Identifying from any locations examples of good models for corridor signs, and
- Identifying from any locations examples of signs that are not desirable in the corridor.

Sincerely,



Michael Garabedian, President  
Friends of the North Fork  
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